

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

MUHAMMED SAMER NASHER-ALNEAM,

Movant,

v.

Case No. 2:21-cv-00360

Case No. 2:18-cr-00151

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION and ORDER
SEALING DOCUMENT

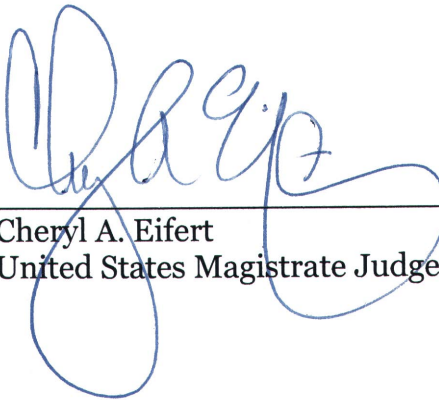
Pending is Respondent's Motion to Seal Exhibit, (ECF No. 342), requesting to file under seal, its Exhibit 1 to be attached to Respondent's Response to Movant's Motion to Vacate Sentence Pursuant to 28 U.S.C. § 2255. According to Respondent, Exhibit 1 to the Response contains sensitive information, which has been designated as confidential by Respondent. Due to the highly sensitive nature of Exhibit 1, the Court **GRANTS** the motion and **ORDERS** Exhibit 1 of Respondent's Response be filed as **SEALED**. The Clerk is directed to file Exhibit 1, (ECF No. 342-2), as sealed and made a part of Respondent's Response. (ECF No. 341).

The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three step process: (1) provide public notice of the request to seal; (2) consider less drastic alternatives to sealing the document; and (3)

provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives. *Id.* at 302. In this case, the attached document shall be sealed and will be designated as sealed on the Court's docket. The Court deems this sufficient notice to interested members of the public. The Court has considered less drastic alternatives to sealing Exhibit 1, but no alternatives to sealing the document are feasible. Moreover, the public's right to be informed is greatly outweighed by the interests to be protected in this circumstance. Accordingly, the Court finds that sealing Exhibit 1 to Respondent's Response does not unduly prejudice the public's right to access court documents.

The Clerk is instructed to provide a copy of this Order to the Movant and all counsel of record.

ENTERED: August 30, 2021



Cheryl A. Eifert
United States Magistrate Judge